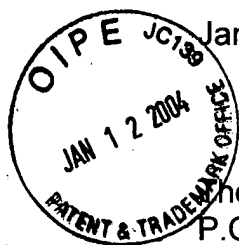


image

1645



January 9, 2004

Micheline Gravelle B.Sc., M.Sc. (Immunology.)
416 957 1682 mgravelle@bereskinparr.com

Your Reference: 10/089,058
Our Reference: 10447-22

The Commissioner of Patents
P.O. Box 1450
Alexandria, VA
U.S.A. 22313-1450

Dear Sir:

Re: Notice of Non-Compliant Amendment (37 CFR 1.121)
United States Patent Application No. 10/089,058
Filing Date: September 19, 200
Art Unit: 1645
Entitled: Improved Ricin-Like Toxins for Treatment of Cancer
Inventors: Curtis Braun, Admir Purac and Thor Borgford

The present letter is further to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated December 11, 2003, a copy of which is enclosed herewith.

In the Notice, it was stated that an amendment document filed on 12/11/03 was considered non-compliant because it failed to meet the requirement of 37 CFR 1.121. Applicant respectfully submits that it did not file an amendment on 12/11/03. The last correspondence on this application was an assignment filed by the Applicant on July 10, 2003. Applicant did not receive any official communication subsequent to the filing of the assignment document. Clarification is hereby respectfully requested.

Respectfully submitted,

**Curtis Braun, Admir Purac
& Thor Borgford**

Micheline Gravelle
Registration No. 40,261

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Please send all correspondence to the Toronto office:

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

JAN 12 2004



Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12/11/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

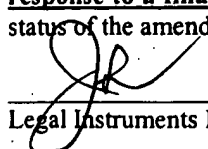
- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.


Legal Instruments Examiner (LIE)